

pending. In the outstanding final Office Action, the Examiner rejected all claims under 35 USC §103(a).

Broadly, aspects of the present invention provide techniques for having data and applications “follow” clients. A briefcase contains data and applications for a particular client, and the computer system containing the briefcase can execute applications or send items to the client when requested by the client. This computer system can also request applications or data for the client so that the client can cause an application to be executed on the computer system or access the data. See FIG. 4, *inter alia*, of Applicants’ specification and associated text.

Propriety of Final Rejection

In the previous Office Action, the Examiner rejected all claims under 35 USC §103(a) as being anticipated by Carlsson (U.S. Patent No. 6,253,074) in combination with Ludwig (U.S. Patent No. 6,256,498). In the final Office Action, the Examiner rejected all claims under 35 USC §103(a) as being anticipated by Lincke (U.S. Patent No. 6,253,326) in combination with Pepe et al. (U.S. Patent No. 5,673,322). Neither Lincke nor Pepe were cited in the Notice of References Cited in the previous Office Action.

Applicants respectfully submit that it is inappropriate for a final Office Action to be given when the grounds of rejection in the final Office Action are two references not cited in a prior Notice of References Cited. MPEP §706.07(a) states the following:

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceeding will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

In the previous Office Action Response, Applicants did amend some, but not all, claims. Consequently, Applicants respectfully submit that, under §706.07(a), the final rejection of Applicants’ claims is improper. Applicants respectfully request, under

MPEP §706.07(c), that a determination be made as to whether the final rejection was proper and that the final rejection be withdrawn if found improper.

Drawing Changes

5 In the previous Office Action Response, Applicants submitted drawings, with changes marked in red, for the Examiner to review. In the final Office Action, there was no mention of whether the Examiner has approved these changes. Because Applicants are unsure of whether or not the previously submitted changes have been approved, the Applicants have not submitted formal drawings incorporating the changes.
10 Applicants will submit new formal drawings once the changes are approved.

Change to Claim 60

 The originally filed claim 60 was written as the following: "A computer system, as in claim 1, where one or more of the applications are discarded if *that* are not
15 executed by one or more of the CPUs within a time period" (emphasis added). It is obvious that the emphasized "that" in claim 60 was to be "they." However, to improve comprehension of this claim, Applicants have amended claim 60 to be the following: "A computer system, as in claim 1, where selected one or more of the applications are discarded if [that] the selected one or more applications are not executed by one or more
20 of the CPUs within a time period." This makes it clear that those applications that are not executed within a time period are discarded.

Rejection of Claims

 The Examiner rejected claims 1 through 60 under 35 USC §103(a) as
25 being anticipated by Lincke et al., U.S. Patent No. 6,253,074 (hereinafter, "Lincke"), in combination with Pepe et al., U.S. Patent No. 6,256,498 (hereinafter, "Pepe"). In particular, for sole independent claim 1, the Examiner asserted that Lincke discloses the invention as claimed except for that client can cause CPUs to execute application programs within the proxy server. However, Pepe, the Examiner asserted, in the same
30 field of endeavor, discloses remote proxy servers executing applications. The Examiner asserted that it would have been obvious to one having ordinary skill in the art at the time

the invention was made to incorporate running a program on a proxy server, taught by Pepe, into the mobile communication system, taught by Lincke, since Pepe suggests wireless Internet connections, similar to the wireless Internet access disclosed by Lincke.

Applicants respectfully submit that neither Lincke nor Pepe, alone or in combination, teach or imply the limitations, in sole independent claim 1, of “an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs, the one or more CPUs executing the one or more application programs when the one or more clients request the one or more application programs.”

Applicants read Lincke as disclosing a communication system for securely transmitting a message between a wireless client and a proxy server. See Abstract of Lincke. Applicants read Pepe as disclosing “An interface between a protected computer or computer network and the World Wide Web (WWW). The interface comprises a split proxy system that encapsulates TCP/IP transmissions into a script transmission, which is not subject to problems in high latency systems, thereby greatly improving WWW access, via a wireless modem or other low-bandwidth communications network.” See Abstract of Pepe.

In independent claim 1, Applicants claim (paraphrasing) a computer system that requests and receives an application program from a second computer so that a client can cause a CPU to execute the application program. In other words, the computer system receives an application program from another computer. The computer system executes the application program when requested by the client. The computer system itself, and not the client, executes this application program.

For the combined system of Lincke and Pepe to disclose these limitations, one or both references must disclose these limitations. The Examiner admits that Lincke does not disclose the limitation of clients causing CPUs to execute application programs within the proxy server disclosed in Lincke. Because Lincke does not disclose this limitation, then Pepe must disclose this limitation.

However, Applicants can find no mention in Pepe that an application program is transferred between a second computer and a computer system. In fact, Applicants can find no mention in Pepe (or Lincke) that application programs are received by one computer from a second computer, and that an application program is executed by the one computer when a client requests the application program as claimed by Applicants. The “application programs” (assuming the disclosure in Pepe is equivalent to the “application programs” of Applicants’ specification) in Pepe are fixed at their respective locations. For instance, the local proxy 56 and remote proxy 66 of Pepe are shown with certain “application programs” in FIGS. 3 and 4 of Pepe. There is no disclosure that these application programs transfer between proxies. Moreover, in FIG. 5 of Pepe, a flow diagram is shown. In this flow diagram and associated text, there are no indications that application programs are transferred between the local proxy 56 and remote proxy 66.

The Examiner asserts that the limitations of “an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs” are met by Lincke’s col. 10, lines 1-36 and col. 16, line 19 to col. 19, line 24. However, Applicants read col. 10, lines 1-36 of Lincke as describing a proxy server and some functions of the proxy server (none of the functions include the transfer of application programs) and read col. 16, line 19 to col. 19, line 24 as describing how a wireless network topology communicates packets.

Applicants can find no mention in the cited text of Lincke that an application program is requested by one computer and received by one computer from another computer. Therefore, Applicants respectfully submit that neither Lincke nor Pepe, alone or in combination, disclose the aforementioned limitations.

Consequently, because neither Lincke nor Pepe provide no disclosure that a computer system receives an application from a second computer and executes the application upon request from client, independent claim 1 is not obvious based on these references. Moreover, if neither reference contains these limitations, then both references

combined cannot contain these limitations. Therefore, the combination of Lincke and Pepe also does not contain the cited limitations and cannot, therefore, render obvious independent and amended claim 1. Based on this reasoning, claim 1 is patentable over Lincke or Pepe, alone or in combination. Because independent claim 1 is patentable,
5 dependent claims 2 through 60 are also patentable, as the dependent claims include all the limitations of independent claim 1.

Moreover, many of the dependent claims provide additional limitations further distinguishing the present invention from Lincke and Pepe, alone or in combination. For instance, dependent claims 10 and 60 basically claim discarding
10 applications when certain criteria are met (in claim 10, when a client passes out of range; in claim 60, when an application is not executed within a time period). In the final Office Action, the Examiner, when rejecting claims 10 and 60, cited Lincke, col. 111 and lines 5-67, and Pepe, col. 12 and lines 1-64 and col. 6, lines 56-67. Applicants read the cited text of Lincke as describing a proxy server that fetches web (i.e., Internet) content or
15 messaging information. But there is no indication that applications are requested by the proxy server and received by the proxy server from another computer, such that a client can cause the proxy server to execute the application, and the application is discarded based on certain criteria. Applicants have examined the cited text of Pepe, and Applicants respectfully submit that none of the cited text teaches or implies reception of
20 applications or discarding of applications based on certain criteria.

Additionally, dependent claim 23 claims the limitation of "where one or more of the second computers is a main computer that has copies of all of the applications as backup." Applicants respectfully submit that neither Lincke nor Pepe, alone or in combination, teach or imply this limitation.

25 Thus, Applicants respectfully submit that dependent claims 10, 23, and 60 (among others) are patentable over the cited art, regardless of the patentability of independent claim 1.

Conclusion

Applicants respectfully submit that the claims of record are patentable over the cited art. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claim 60. All claims are included herein as a convenience.

5

1. (Previously Amended) A computer system comprising:

one or more memories and one or more central processing units (CPUs);

10 one or more communication interfaces, each of the communication interfaces capable of receiving a client signal from one or more clients indicating that a client is within a range of communication of the computer;

one or more computer interfaces capable of communicating with one or more second
15 computers, the second computers each having a computer location and one of more application programs;

an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more
20 of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs, the one or more CPUs executing the one or more application programs when the one or more clients request the one or more application programs.

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2. (Unchanged) A computer system, as in claim 1, where application programs are grouped into packages and one or more clients are linked to packages in such a way that application programs in each package support only clients that are linked to this package.

30 3. (Previously Amended) A computer system, as in claim 2, where all clients that are wearable by one person are linked to one package of application programs.

4. (Unchanged) A computer system, as in claim 1, where the communication interface receives a second client signal when one or more clients pass outside of the range of communication.

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5. (Previously Amended) A computer system, as in claim 4, where the communication interface receives a second client signal when one or more clients that are linked to a package of programs pass outside of the range of the communication.

10 6. (Unchanged) A computer system, as in claim 5, where all clients linked to one package of programs are wearable by one person.

15 7. (Unchanged) A computer system, as in claim 1, where one of the computer interfaces receives a second client signal when one or more clients pass outside of the range of communication.

8. (Unchanged) A computer system, as in claim 1, where the computer determines that one or more clients pass outside of the range of communication.

20 9. (Unchanged) A computer system, as in claim 8, where one or more clients that pass outside of the range of communication are linked to the same package.

10. (Unchanged) A computer system, as in claim 8, where the computer discards one or more of the applications after one or more client pass outside of the range.

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11. (Unchanged) A computer system, as in claim 10, where all applications in one package are discarded after all clients that are linked to this package pass outside of the range.

12. (Unchanged) A computer system, as in claim 8, where the computer determines whether one or more clients are outside of range by measuring distance from this computer to these clients.

5 13. (Unchanged) A computer system, as in claim 8, where the computer discards one or more of the applications after one or more clients pass outside of the range and after the discarded applications have been sent to one or more of the second computers.

10 14. (Unchanged) A computer system, as in claim 13, where applications that are discarded belong to one package.

15 15. (Unchanged) A computer system, as in claim 14, where all clients that are linked to the package pass outside of the range.

16. (Previously Amended) A computer system, as in claim 1, where the computer discards one or more of the applications after the discarded applications have been sent to one or more of the second computers.

20 17. (Unchanged) A computer system, as in claim 16, where all discarded applications belong to the same package.

18. (Unchanged) A computer system, as in claim 16, where the second computer is less busy than the computer.

25 19. (Unchanged) A computer system, as in claim 1, where the communication interface includes any one or more of the following: a radio link, an infrared link.

30 20. (Unchanged) A computer system, as in claim 1, where the computer interface includes any one or more of the following: a network, a wide area network, a local area network, an internet, an intranet, a telephone network, a radio frequency network.

21. (Unchanged) A computer system, as in claim 1, where the client includes any one or more of the following: a moving computer, a pen input device, a personal data assistant, a watch, a palm top, a telephone, a key, a speech recognition system.

5 22. (Unchanged) A computer system, as in claim 1, that is incorporated in any one or more of the following: a printer, a television, a microwave, a refrigerator, a car, a public structure, a lamppost, a mail box.

10 23. (Unchanged) A computer system, as in claim 1, where one or more of the second computers is a main computer that has copies of all of the applications as backup.

15 24. (Previously Amended) A computer system, as in claim 1, where one or more of the second computers is a local computer that has copies of all applications for all clients that are in a communication range of another second computer that is in a communication range with the local computer.

20 25. (Previously Amended) A computer system, as in claim 1, where one or more clients send a request for some item or application in a package to one or more second computers and if such application or an item is not available one or more second computers send a request for this application or item to a main computer and the main computer performs the requested application for these one or more clients or sends the requested item to the one or more clients.

25 26. (Unchanged) A computer system, as in claim 25, where the requested item and application are sent to packages in one or more second computers that are linked to one or more clients that requested this item or application.

30 27. (Unchanged) A computer system, as in claim 24, where one or more clients send a request for some item/application in a package and an address of the local computer to one or more second computers.

28. (Unchanged) A computer system, as in claim 27, where the item/application is sent to the client if it is found on one or more second computers.

29. (Unchanged) A computer system, as in claim 28, where one or more second
5 computers check whether they are in a communications range from the local computer at the address that was sent by the client.

30. (Previously Amended) A computer system, as in claim 29, where the local computer checks whether it has the requested item/application if it is in the range of communication
10 from one or more second computers and where the local computer sends the requested item/application if the local computer found the item/application.

31. (Unchanged) A computer system, as in claim 29, where the request/application and the address of the local computer is sent to a main server if it was found that the local
15 server is not in the communication range of one or more second computers.

32. (Unchanged) A computer system, as in claim 31, where the item/application from the main server is sent to the client that requested this item/application if this item/application was found.
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33. (Unchanged) A computer system, as in claim 31, where the request for the item/application was sent to the local server at the address that was received by the main server if this item/application was not found in the main server.

25 34. (Unchanged) A computer system, as in claim 33, where the local server sends the item/application to the main server and the main server sends this item/application to the client.

35. (Unchanged) A computer system, as in claim 1, where one or more of the
30 applications is an application portion.

36. (Unchanged) A computer system, as in claim 35, where the application portion is a front end of a speech recognition system.

37. (Unchanged) A computer system, as in claim 36, where the front end of the speech
5 recognition system includes a microphone and signal processor.

38. (Unchanged) A computer system, as in claim 35, where the application portion is a front end of a word processing system.

10 39. (Unchanged) A computer system, as in claim 38, where the front end of the word processing system includes a keyboard.

40. (Unchanged) A computer system, as in claim 35, where the application portion includes any one or more of the following: an automatic speech recognition front end, an
15 automatic handwriting recognition system front end, a user verification system front end, a user identification system front end, a natural language understanding system front end.

41. (Unchanged) A computer system, as in claim 1, where part of the application remains as a second portion on one or more of the second computers.

20 42. (Unchanged) A computer system, as in claim 41, where the second portion includes any one or more of the following: an automatic speech recognition back end, an automatic handwriting recognition user verification system back end, a user identification system back end, a natural language understanding system back end, a word processing
25 system back end, and a database.

43. (Unchanged) A computer system, as in claim 35, where the application portions are classified in accordance with how processes that are needed to run these applications can be handled.

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44. (Unchanged) A computer system, as in claim 43, where processes can be handled to be run in parallel, can be shared by different applications or can be substituted.

5 45. (Unchanged) A computer system, as in claim 44, where application portions are classified as parallel, shared or substituted.

46. (Previously Amended) A computer system, as in claim 45, where the application portions are scheduled to be run in CPUs and memories in accordance with their classification.

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47. (Unchanged) A computer system, as in claim 41, where one or more of the second portions run in parallel with one or more of another second portions.

15 48. (Unchanged) A computer system, as in claim 41, where one or more of the second portions is shared by different clients.

49. (Unchanged) A computer, as in claim 41, where one or more of the second portions belong to the same package.

20 50. (Unchanged) A computer, as in claim 41, where one or more of the second portions belong to different packages.

51. (Unchanged) A computer system, as in claim 41, where one or more of the second portions shares the same data stored by one or more of another second portions.

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52. (Unchanged) A computer system, as in claim 51, where one or more of the second portions are signal processing that perform on inputs from different mikes located on different clients.

53. (Previously Amended) A computer system, as in claim 41, where one or more of the second portions are the following: Automatic Speech Recognition (ASR) and Automatic Handwriting Recognition (AHR).

5 54. (Unchanged) A computer system, as in claim 1, where the applications are received in a priority order.

55. (Previously Amended) A computer system, as in claim 54, where priority order includes the following: applications that are currently used by a user, applications that are
10 shared by many users, applications that shared by small number of users, applications that involve clients that are wearable by a user.

56. (Unchanged) A computer system, as in claim 54, where priority order is defined by history data on how often some applications were used.

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57. (Unchanged) A computer system, as in claim 1, where the applications are received from a backup computer if communication with second computer fails.

58. (Unchanged) A computer system, as in claim 1, where the client signal is received
20 from one or more of the following location devices: a pressure sensor, an ultrasonic detector, a radio frequency tag, a motion detector.

59. (Unchanged) A computer system, as in claim 1, where the applications include any one or more of the following: a web browser, a financial program, a word processing
25 program, a search engine, a database used by the application, a general database.

60. (Amended) A computer system, as in claim 1, where selected one or more of the applications are discarded if [that] the selected one or more applications are not executed by one or more of the CPUs within a time period.